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OFFICE OF PETITIONS

In re Application of:
COMB, et al. :
Application No.: 10/014,485 :
Filed: November 13, 2001 :
Atty's Docket No.: CST-138 CIP2 :

DECISION ON PETITION UNDER
37 CFR 1.137(b)

This is a decision on the petition for revival of the above-entitled application under 37 CFR 1.137(b), filed September 05, 2006.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice Of Allowance mailed April 12, 2006, which set a statutory period for reply of three (3) months. Applicant paid the \$300.00 publication fee, however, applicant's deposit account did not contain sufficient funds to pay the \$700.00 issue fee. Accordingly, the above-identified application became abandoned at midnight on July 13, 2006.

On September 05, 2006, applicant filed the petition for revival under 37 CFR 1.137(b) considered herein.

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

The instant petition does not satisfy requirements (1) and (2) above. Specifically, while applicant has authorized the charging of the issue fee and petition fee to deposit account number 50-1774, the account does not contain sufficient funds for both fees. Applicant is advised that the correct small entity petition to revive under 37 CFR 1.137(b) is \$750.00. As such, in order for the petition to be granted fees totaling \$1450.00 were needed. The deposit account did not contain sufficient funds to take this amount of money and therefore the petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

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This application remains **ABANDONED**.

Telephone inquiries concerning this decision should be directed to the undersigned.



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